

श्रनाधारण EXTRAORDINARY

भाग II—लगड 2 PART II—Section 2

प्राधिकार से इक्सीकत PUBLISHED BY AUTHORITY

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डन भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह ग्रलग संकलन के रूप भे रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 20th December 1991:—

1

BILL NO. LXXII OF 1991

A Bill to check unauthorised entry of foreign nationals into the country and for their deportation to the countries of their origin and for matters connected therewith.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

- 1. (1) This Act may be called the Prevention of Influx of Foreign Nationals in the country Act, 1991.
 - (2) It extends to the whole of India.
 - (3) It shall come into force at once.
 - 2. In this Act, unless the context otherwise requires,-

Definitions.

- (a) "dependent" includes wife and children of an unauthorised foreign national;
 - (b) "document" includes a valid passport, visa or travel permit;
- (c) "local sympathiser" includes a person born in India but having sympathy with an unauthorised foreign national on account of religion or affinity;

(1)

Short title, extent and commencement, (d) "prescribed" means prescribed by rules made under this Act;

(e) "unauthorised foreign national" means a person who has entered or sneaked into the country without a document.

Census
of Unauthorised foreign
nationals.

- 3 (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government shall, after the commencement of this Act, as soon as may be, undertake a census of all the unauthorised foreign nationals living in the country.
- (2) The census data so collected shall be made public for with through notification in the Official Gazette.

Deportation of unauthorised foreign nationals.

- 4. (1) The Central Government shall, soon after the census is over, prepare a list of unauthorised foreign nationals in the country and draw a phased programme of their deportation to the countries of their origin.
- (2) No unauthorised foreign national shall be allowed to stay in the country on the ground of his long and continuous stay or his having acquired immovable property in the country.
- (3) No voting rights, educational facilities, financial assistance or such other assistance as may be prescribed, shall be provided to an unauthorised foreign national in the country.

Giving shelter to unauthorised foreign national to be an offence.

5. Whoever gives shelter to an unauthorised foreign national or conceals the identity of such a person shall be punishable with imprisonment which may extend to one year or with fine or with both.

Measures to prevent entry of unauthorised foreign nationals.

- 6. With a view to preventing entry of unauthorised foreign nationals in the country through land routes the Central Government shall take the following steps, namely,—
 - (a) to provide border fencing and establish the required number of check posts along the international borders of the country;
 - (b) simultaneously create a security belt along the international borders of the country; and
 - (c) intensify its vigil on the entire sea coast areas of the country and strengthen its Coast Guard organisation to check entry of unputhorised foreign nationals through sea route in the country.

Maintenauce of National Register.

- 7. (1) The Central Government shall prepare and maintain a National Register containing names and other particulars, as may be prescribed, of all the citizens who are continuously staying in the country since fifteenth day of August, 1947.
- (2) The Central Government shall ascertain the bonatides of an applicant or his parents in the country, before his name is entered in the Register;
- (3) The names of unauthorised foreign nationals or their descendents shall not be entered in the Register.

Issue of Identity Cards to Citia cens. 8. Every citizen of the country shall be issued with an Identity Card duly signed by the District Magistrate or any other Officer of the Central Government or the State Government who may be authorised in this behalf by the Central Government.

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9. The Central Government shall take necessary steps to,-

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- (a) detect cases of foreign nationals who came to India on the basis of valid documents but did not return to their country of origin on the expiry of the time limit specified in their documents.
- persons
 overstaying in
 the country.

Deporta-

tion of

- (b) deport such persons overstaying in the country to the countries of their origin;
- (c) make public list of persons who overstayed in the country and were later declared as untraceable; and
- (d) trace such persons and deport them to the countries of their origin.

57 of 1955.

10. Notwithstanding anything contained in this Act or the Citizenship Act, 1955 the Central Government may, on an application made in the prescribed form, grant civil, political and citizenship rights to the nationals from Pakistan or Bangladesh who were or are compelled to migrate to India due to religious persecution, discrimination, victimisation or intimidation.

Assistance to foreign nationals compelied to migrate to India.

31 of 1946. 39 of 1983. 11. The provisions of this Act shall be in addition to and not in derogation of the Foreigners Act. 1946 and the Illegal Migrants (Determination by Tribunals) Act, 1983 or any other law for the time being in force.

Savings of other laws,

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Fewer to make rules.

STATEMENT OF OBJECTS AND REASONS

There has been a large scale influx of unauthorised foreign nationals into our country since 1947. This has put a heavy burden on the country which is already affected by over population. The presence of unauthorised foreign nationals in the country has also been a source of threat to the security and integrity of the country.

It is necessary to detect all unauthorised foreign nationals and deport them to the countries of their origin. There is also need to maintain a National Register of all the citizens and to issue an identity card to every such person.

The Bill seeks to achieve the above objectives.

KRISHAN LAL SHARMA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for census of all the unauthorised foreign nationals in the country. Clause 4 provides for deportation of unauthorised foreign nationals to the countries of their origin. Clause 8 provides for issuing of identity cards to every citizen of the country. Therefore, the Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees ten crores per annum.

A non recurring expenditure to the tune of rupees fifteen lakhs is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the matter will relate to details only, the delegation of legislative power is of normal character.

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BILL No. LXXV of 1991

A Bill to give the citiens a right to reply to the allegation or insimuation made against their or misreporting, misquoting or misrepresentation concerning them published in newspaper, news-magazine and such other publications and for matters connected therewith.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

- 1. (1) This Act may be called the Citizens Right to reply in Newspapers and news-magazines Act, 1991.
 - (2) It extends to the whole of India.
 - (3) It shall come into force with immediate effect.
 - 2. In this Act, unless the context otherwise requires,—
 - (a) "magazine" includes any printed periodical work containing public news or comments on public news, articles, interviews, stories, factual or fiction, published weekly, biweekly, monthly and any such publication as may, from time to time, be notified by the Central Government to be a magazine;

Short title, extent and com-

Defini-tions.

ment.

(b) "medium newspaper" means a newspaper whose average daily circulation is less than fifty thousand copies for each issue;

- (c) "newspaper" means any printed periodical work containing public news or comments published on daily basis;
- (d) "Press Council" means the Press Council of India established under the Press Council Act, 1978;

37 : £1978

(e) "'small newspaper" means a newspaper whose average daily circulation is less than twenty five thousand copies for each issue.

Right to reply in newspapers and magazines.

3. Every citizen including an organisation of persons, a company, firm or partnership of citizens shall have the right to require the editor and publisher of a newspaper or magazine, as the case may be, to print a reply to a factually inaccurate, distorted or misquoted report involving that citizen, organisation, company, firm or partnership when such report has been made in such newspaper or magazine for which such editor and publisher are responsible.

Replies to be published within prescribed time.

4. The replies sought to be printed under section 3 shall be printed by the newspaper or magazine, as the case may be, within two days of their receipt in the case of a daily newspaper and in the immmediato next issue in the case of a magazine.

Procedure for publicution of reply. 5. The replies sought to be published under section 3 shall be printed free of cost by the concerned newspaper or magazine, as the case may be, and shall be of equal length to the report replied to and shall be printed on the same page, at the same position and in the same type as the report replied to by such newspaper or magazine.

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- 6. Any editor or publisher of a newspaper or magazine, as the case may be, may approach within two days of the receipt of the requisition to print the reply in his newspaper or magazine to the Press Council of India and the Press Council shall, as soon as may be, dispose the matter and the decision of the Press Council thereon shall be final and binding on both the parties.
 - 7. If any editor or publisher who.—
 - (i) fails to publish a reply in the concerned newspaper or magazine within the prescribed time; or
 - (ii) fails to abide by the decision of the Press Council of India under section 6;

shall be guilty of an offence under this Act and shall be punishable on conviction with a fine of not less than,—

- (a) rupees Thirty thousand in the case of small newspapers;
- (b) rupees Fifty thousand in the case of a medium newspaper;
- (c) rupees Eighty thousand in the case of a magazine; and
- (d) rupees One Lakh in case of other newspapers.

STATEMENT OF OBJECTS AND REASONS

Press, publishing newspapers and magazines, is considered to be the fourth pillar of democracy. In fact it is the watchdog of democracy because it is the Press which highlights the misdeeds of those who are in power and at the helm of affairs of the nation following democracy. The Press highlights the achievements and weaknesses of Governments. Generally press by and large is quite responsible in our country. But unfortunately there is a section of the press which indulges in misreporting and misrepresentation. A person's reputation or business can be ruined by a single false newspaper report. The politicians generally give interviews to newspaper correspondents on the political and other developments in the country but experience shows that few of them deliberately misreport even taped interviews to tarnish the political image of such politician. If the Press report is challenged a small line of regret is published at a corner which generally goes unnoticed. Taking legal action against persons responsible for such reports is an expensive and time consuming process. The person misreporting or misquoting knows all this so he indulges in such reporting fearlessly. It is, therefore. necessary to provide for a statutory right of reply in the concerned newspaper or magazine to ensure that individuals, associations, companies, firms or partnerships, politicians, bureaucrats etc. can set the record straight in the newspaper and magazine. Some democratic countries such as France, Germany, Canada, Denmark etc. already have similar taws to protect their citizens from misreporting or misquoting.

Hence this Bill.

S. S. AHLUWALIA

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BILL NO. LXV OF 1991

A Bill further to amend the Constitution of India.

Br it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title and commencement.

- 1. (1) This Act may be called the Constitution (Amendment) Act, 1991.
 - (2) It shall come into force at once.

Amendment of article 124. 2. In article 124 of the Constitution, to clause (1) the following proviso shall be added, namely:—

"Provided that the President shall, within a period of two years from the commencement of the Constitution (Amendment) Act, 1991, set up as many Benches of the Supreme Court and at such places in the country, as the President deem necessary for providing timely justice to the citizens and for reducing the arrears of cases pending before that Court."

Amendment of article 214. 3. To article 214 of the Constitution the following proviso shall be added at the end, namely:—

"Provided that the President shall, within a period of two years from the commencement of the Constitution (Amendment) Act. 1991 set up benches and additional benches of High Court in each State keeping in view the area and population of each State and the cases pending in the High Court of such State."

STATEMENT OF OBJECTS AND REASONS

Ours is the largest democracy in the world and wedded to the ideals of a welfare State. In the Preamble to the Constitution the people of the country have resolved to secure to all citizens justice,—social, economic and political. Thus the Constitution and various other laws protect the citizen's fundamental and other rights and also the right to seek legal redress to achieve the goals of a welfare State. However despite the laudable goals set out in the Constitution the arrears of cases pending before the Supreme Court and various High Courts are enormous. The seriousness of the matter can be realised when we find that as on 31st December, 1990 the total cases pending before the Supreme Court were 185108. Similar is the case with the various High Courts. Following were the approximate arrears of cases pending in few major High Courts:

- --Allahabad--156512 Calcutta--71824 Bombay--35036
- -Rajasthan-14286 Madras-44564 etc.

Similar is the case with the lower courts. Millions of cases are lingering for years together therein. The citizens have to wait for years together, in some cases decades to get justice. It is said that "Justice delayed is justice denied". If this is true then in our country Justice is denied in almost every case because delayed Justice is routine in every case. Thus the arrears of cases in the courts and time consuming litigation is all set to defeat the ideals of welfare State in our country.

In such a grave situation in the judicial front and considering the vastness of the country, the poverty of its people, the high cost of litigation, it is the need of the hour to consider measures to provide easy. quick, cheap and timely justice to the people. This is all the more important with regard to the people living in far flung rural areas who are away from the national and State capitals where Supreme Court and High Courts are located. This factor obviously denies the poor man to seek legal redress particularly in the Supreme Court and High Courts which involves considerable expenses and inconvenience. The agonies of a litigant travelling right from Madras, Thiruananthapuram, Goa, Pondicherry or North Eastern part of the country to New Delhi to attend a case at Supreme Court can be imagined when he finds that his case only has been adjourned for the next date. He does not get justice even after travelling for days together spending lot of money, wasting lot of time, incurring losses if he runs a business establishment and loses his crops if he is a farmer even if he is affluent one. In some cases the litigation is prolonged to generations together.

Thus to mitigate the sufferings of poor litigant citizens it is felt that benches of the Supreme Court should be established at various places in the country particularly in the Eastern, North Eastern, Western and Southern parts of the country. Similarly more benches of High Courts should be established at easily accessible places. Such a step will

certainly reduce the ever increasing number of pending cases in the Supreme Court and High Courts. It would also break the monopoly of expensive advocates of the Supreme Court and High Courts. It will be a step in the right direction to provide easy, quick, cheap and timely justice to the people and to achieve the goals of Welfare State.

Hence this Bill.

S. S. AHLUWALIA.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for setting up benches of Supreme Court. Clause 3 provides for setting up benches of High Courts in the States. In that case more judges have to be appointed which will incur expenditure from the consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two crores is likely to be incurred from the Consolidated Fund of India.

A non recurring expenditure of rupees three crores is also likely to be involved.

IV

BILL No. LXXIII of 1991

A Bill to provide for certain welfare measures to be undertaken by the State and the employer of working children and for their rehabilitation/through education, training and specialisation in some trade of vocation and for matters connected therewith.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title, extent and commencement.

Definitions.

- 1. (1) This Act may be called the Working Children (Welfare and Rehabilitation) Act, 1991.
 - (2) It extends to the whole of India.
 - (3) It shall come into force with immediate effect.
 - 2. In this Act, unless the context otherwise requires,—
 - (a) "accident" includes an accident which occurs in the course of an employment of a child or the occupational disease which is contracted by a working child within or outside the working hours;

- (b) "child" means a person who is under the age of fifteen years;
- (c) "competent authority" means any authority authorised by the Government, by notification in the Official Gazette, to perform all or any of the functions of the competent authority under this Act and for such areas as may be specified therein;
- (d) "contractor" means a person who, in relation to a manufacturing process, undertakes to produce a given result by executing the work through contract child labour or who engages child labour for any manufacturing process in a private dwelling house, shop, factory or such establishment and includes a sub-contractor, agent, munshi, thekedar or sattadar or the like, by whatever name called;

(e) "employer" means,—

- (i) in relation to an establishment the person who or the authority which has the ultimate control over the affairs of the establishment and where the said affairs are entrusted to any other person whether called a manager, managing director managing agent or by any other name, such person;
- (ii) in relation to a dwelling house the head or Karta of such family; and
- (iii) in relation to shop, stall or kiosk the owner of such shop, stall or kiosk doing business therein;
- (f) "establishment" means,-
 - (i) a factory;
 - (ii) a mine;
 - (iii) a plantation;
 - (iv) a shop, stall, kiosk, dhaba, tea stall, hotel or restaurant;
- (v) an establishment where children are employed for the exhibition of equitation, acrobatic and other performances;
 - (vi) any place or premises including the precincts thereof or any part in which any manufacturing process connected with the making of goods is being or is ordinarily carried on with the help of child labour;
- (g) "fund" means the Working Children Benefit and Rehabilitation Fund established under Section 8;
 - (h) "Government" means the Central Government;
 - (i) "Inspector" means an Inspector appointed under Section 12;
- (j) "wages" shall have the same meaning as assigned to them in the Payment of Wages Act, 1936.
- 3. It shall be the duty of every contractor and employer to send every working child employed by him to a school for getting education as per his calibre during such time, as may be prescribed.

4 of 1936.

Compulsory
education of
working
children.

Government to open Schools and Training Institutes. for working children.

Insurance againsí accident of working children.

Government to fixworking hours. conditions of service and minimum wages.

Punish~ ment for non-complance.

Establishment of. Working Children Benefit and Rehabilitation Fund.

Board of Trustees.

Application of

- 4. (1) The Government shall open schools and Technical education institutions for free education of working children at appropriate places in the country.
- (2) The working children attending the school and Technical Education Institutions referred to in sub-section (1) shall be provided with books, writing materials, dress and other relevant articles free of cost by the Government.
- 5. Every employer of a working child shall, at his cost, insure the working child against accident.
- 6. Notwithstanding anything contained in any other law for the time being in force, the Government shall fix the working hours for the working children in any establishment or other place, their other conditions of service and minimum wages to be paid to them by the employers.
- 7. Any employer or any establishment or contractor violating the provisions contained in section 3 or section 5 shall be liable for imprisonment which may extend to six months or with fine which may extend to five thousand rupees or with both.
- 8. With effect from such date as the Government may, by notification in the Official Gazette, appoint, in this behalf, there shall be established a Working Chidren Benefit and Rehabilitation Fund, moneys into which shall be given by the Government after due appropriation made by Parliament, from time to time, and the said fund shall be managed by a Board of Trustees appointed under Section 9.
- 9. The Board of Trustees shall have one Chairman, who shall be nominated by the Government, and as many other members as are required in the opinion of the Government, to manage the fund but at least one half of the members shall be elected from the representatives of organisations devoted to safeguarding the interests of working children in the country.
- 10. The fund shall be spent on the upbringing of the working children through their free education at convenient time of the working child and vocational training in some trade or technical apprenticeship through a time bound scheme framed by a competent authority.
- of Section 10 shall be carried out under the 11. The provisions guidance and supervision of the Board of Trustees who shall constitute regional committees for the effective implementation of the said provisions.

fund.

Regional Commit-

tees.

12. The Government shall appoint as many inspectors, welfare officers and such other officers and staff as it considers necessary for carrying out the purposes of this Act.

Appointment of Inspectors elc.

13. The provisions of this Act shall have-effect notwithstanding anything contrary contained in any other law for the time being in force.

Overriding effects of the Act.

14. The Government may, by notification in the Official Gazette. make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Working children constitute a considerable work force in our country despite various laws prohibiting their employment. The Constitution of India also prohibits employment of children in hazardous occupations. Despite all this, millions of children are working in Carpet factories, Beedi factories, Bangles Industry, Circus, Hotels, Tea Stalls, Dhabas, Workshops of Motor Vehicles and Cycles, in the agricultural fields and as domestic workers either for their own subsistence or to support their poor families. They work under pathetic and unhygenic conditions. Though they are talented they remain illiterate because they cannot attend schools. In some cases they work as bonded labour. They are paid meagre wages and in some cases only two time meals and clothes. in case of accident or dangerous disease affecting them they are left to fend for themselves. They are left to their fate not only by their employers but also by their parents due to their sheer poverty. Child labour is such a shameful and depressing phenomenon that nobody views it analytically. In the same process we overlook the skill, productivity and ingenuity so consistently displayed by the major part of our child population but instead of encouraging them they are forced to under pathetic conditions.

It is true that children must enjoy their childhood, they must get nutritious diet, good education and good atmosphere to grow as responsible citizens of the country but at the same time we have to accept the reality. Now the time has come to accept the bare truth that we cannot abolish child labour by laws which will certainly enlarge the statute book but certainly cannot discourage child employment. So instead of wasting our energy in fut le activities of abolition of child labour we must see that it should be made mandatory for the employer of a working child to send him to school at convenient time preferably in the evenings to enable the child to get proper education. The child also must be insured against accidents and diseases. They must get minimum wages and other benefits prescribed by Government. On the other hand the Government should open schools and training institutes for working children. It is proposed for the establishment of a Benefit and Rehabilitation Fund for the benefit of working children which may help the working children to lead a better life and they are settled for a respectable living and avail good working conditions.

Hence this Bill.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that Government shall open Schools and Training Institutions for working children. Clause 8 provides for the establishment of a Fund. Clause 9 provides for the constitution of Board of Trustees. Clause 12 provides for appointment of Inspectors etc. The Bill, if enacted, would involve a recurring expenditure from the Consolidated Fund of India to the extent of about rupees ten crores per annum.

A non-recurring expenditure of about rupees two crores is also likely to be incurred from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the matter will relate to details only, the delegation of legislative power is of normal character.

V

BILL No. LXXI OF 1991

A Bill to provide for the establishment of a Permanent Bench of the High Court of Guwahati at Dibrugarh.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

- 1. This Act may be called the High Court of Guwahati (Establishment of a Permanent Bench at Dibrugarh) Act, 1991.
- 2. There shall be established a Permanent Bench of the High Court of Guwahati, at Dibrugarh and such judges of the High Court of Guwahati, being not less than two in number, as the Chief Justice of that High Court may, from time to time nominate, shall sit at Dibrugarh in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the Districts of Golaghat. Jorkat, Sibsagar, Dibrugarh and Lakhimpur,

Short title.

Establishment of a pormanent Bench of the High Court of Guwahati at Dibrugarh.

..______.

STATEMENT OF OBJECTS AND REASONS

There is a dire need for establishing a Bench of the High Court of Guwahati at Dibrugarh for the benefit of the whole Upper Assam Region. The establishment of the Bench at Dibrugarh will help in clearing the pending cases and the people of the Upper Assam Region will get speedy and less expensive relief. The two States of Nagaland and Arunachal Pradesh may also be brought within the jurisdiction of the Dibrugarh Bench of the Guwahati High Court.

Hence this Bill.

DR, NAGEN SAIKI

VI

BILL No. LXX of 1991

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:-

1. This Act may be called the Constitution (Amendment) Act, 1991.

Short title.

2. Article 356 of the Constitution shall be omitted.

Omissipa υľ article 356.

3. Article 357 of the Constitution shall be omitted.

Omission \mathbf{of} article 357.

STATEMENT OF OBJECTS AND REASONS

Articles 356 and 357 of the Constitution were expected to be invoked as the last resort for maintaining law and order in a State. But these articles have been used to get the Legislative Assembly of a State dissolved and put the State under President's Rule whenever the ruling party in the Centre does not find the State Government loyal to it. This has become a practice with the Central Government.

Therefore, it is necessary to omit these articles with a view to save the minimum autonomy which States enjoy.

Hence this Bill.

DR. NAGEN SAIKIA

VII

Bill No. LXXIV of 1991

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

- 1. (1) This Act may be called the Representation of the People (Amendment) Act, 1991.
 - (2) It shall come into force at once.
 - 2. In section 52 of the Representation of the People Act, 1951,-
 - (i) for the words "If a candidate whose nomination has been found valid" the words "If a candidate, set up by a recognised political party, whose nomination has been found valid" shall be substituted.
 - (ii) for the words "or if a contesting candidate dies" the words "or if a contesting candidate set up by a recognised political party dies" shall be substituted.

Explanation.—for the purposes of this section a candidate shall be deemed to have been set up by a recognised political party if, and only if, he is so deemed under para 13 of the Election Symbols (Reservation and Allotment) Order, 1968, for the time being in force.

Short title and commencement

Amendment of section 52 of Act 43 of 1951.

STATEMENT OF OBJECTS AND REASONS

In the elections to the Lok Sabha and Legislative Assembly a large number of frivolous independent candidates file their nomination papers in almost every constituency. The Election Commission has to countermand the election in a constituency if any candidate dies before the election process is completed. Such countermanding results generally by the death of an independent candidate which in turn results in unnecessary public expense, wastage of time and energy. Therefore, it has become necessary to amend section 52 of the Representation of the People Act, 1951 to restrict the countermanding of the poll only if a candidate who has been set up by a recognised political party dies. will eliminate the countermanding of the poll on the death of an independent candidate.

Hence this Bill.

MURLIDHAR CHANDRAKANT BHANDARE

VIII

BILL No. LXXXI of 1991

A Bill to prohibit the leasing and molestation of women and girls in the country and to make the offence cognizable and non-builable and for matters connected therewith.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

- 1. (1) This Act may be called the Prohibition of Teasing and Molestation of Girls and Women Act, 1991.
 - (2) It extends to the whole of India.
- (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.
 - 2. In this Act, unless the context otherwise requires,—

Definitions.

- (a) "girl" denotes a female human being below the age of eighteen years;
- (b) "molesting" includes touching, meddling hostilely or injuriously with the intention of outraging the modesty of any girl or woman;
- (c) "teasing" includes intentionally annoying any girl or woman, uttering any word, making any sound or gesture or exhibiting any object or doing any other act to attract the attention of the girl or woman to her annoyance;

Short title, extent and commencement (d) "woman" denotes a female human being who has attained the age of eighteen years and above.

Prohibition of teasing and molesting of girls and women.

- 3. (1) No person shall tease or molest any girl or woman at any place at any time.
- (2) Whoever contravenes the provisions of sub-section (1) commits the offence of teasing and molestation.

Penalty

4. (1) Whoever commits the offence of teasing shall be punishable with imprisonment which shall not be less than three months but which may extend to six months and shall also be liable to fine which may extend to one thousand rupees or with both:

Provided that the court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for less than three months.

(2) Whoever commits the offences of molestation shall be punishable with imprisonment which shall not be less than one year but which may extend to three years and shall also be liable to fine which may extend to five thousand rupees or with both:

Provided that the Court may for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for less than one year.

Offence to be cognizable and nonbailable. 5. Notwithstanding anything contained in any other law for the time being in force, an offence under this Act shall be cognizable and non-bailable.

Power of court to try cases summarily.

6. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under this Act shall be tried in a summary way by any Magistrate, and the provisions of Section 263 to 265 (both inclusive) of the said code shall in so far as may be, apply to such trial.

2 of 1974.

STATEMENT OF OBJECTS AND REASONS

Of late, there has been manifold increase in the complaints of teasing and molesting of girls and women at public places and while in public transport. This menace has become chronic particularly in the capital of the country and most of the urban areas throughout the country. In the capital the Delhi Transport Corporation (DTC) has become most notorious in teasing of girls and women and their molestation while travelling in the buses not only by ruffians but also by its crew members. It has become difficult to travel in DTC buses for girls and women particularly when they are alone. There is no fear of any authority or law in the teasers. They tease the girls, molest them and nobody dares to challenge them. It is the duty of the DTC crew to stop teasing and molesting of females in the running DTC buses but unfortunately they are also in the habit of enjoying the tamasha and frequently indulge themselves in such acts. Similar is the position at public places such as markets, parks, cinema halls, in and around the colleges, bus stands and on roads. This nuisance has to be curbed by providing deterrent punishment for the offenders. The Government is seized of the matter and, therefore, a Government Bill namely the Delhi Prohibition of Eve Teasing Bill, 1984 was introduced in the Rajya Sabha. It was later passed by Rajya Sabha but it lapsed due to the dissolution of Lok Sabha. Thereafter, the Government has not taken any further initiative in the matter. Since the existing statutory provisions in the Indian Penal Code have been found to be inadequate in curbing this growing menace effectively, it is felt that a separate law must be enacted to curb it. Accordingly apart from defining the offence of teasing and molesting of girls and women, it has been proposed to make the offences cognizable and non-bailable and to try them in a summary way in the interest of speedy justice. It is felt that these provisions may help in curbing the incidents of teasing or molestation.

Hence this Bill.

SURESH PACHOURI

IX

BILL No. LXXXII of 1991

A Bill further to amend the Constitution of India.

Bz it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title and commencement.

- 1. (1) This Act may be called the Constitution (Amendment) Act, 1991.
 - (2) It shall come into force at once.

Amendment of article 84.

- 2. In article 84 of the Constitution, for clause (b), the following clause shall be substituted, namely:—
 - "(b) is, in the case of a seat in the Council of States, not less than twenty five years of age and, in the case of a seat in the House of the People, not less than twenty one years of age; and"

Amendment of article 173.

- 3. In article 173 of the Constitution, for clause (b) the following clause shall be substituted, namely:—
 - "(b) is, in the case of a seat in the Legislative Assembly, not less than twenty one years of age and, in the case of a seat in the Legislative Council, not less than twenty five years of age; and"

STATEMENT OF OBJECTS AND REASONS

In the year 1988 the Government under the dynamic Prime Ministership of late Shri Rajiv Gandhi took a historic decision to lower the voting age of citizens from twenty one years to eighteen years which proved as a milestone in the annals of Parliamentary democracy in our Accordingly in the month of December 1988, unanimously passed the Constitution (Sixty-first Amendment) Bill, 1988 to give effect to the historic decision of the Government of the This was a step of momentous importance as it enabled millions of our youth to directly participate in the democratic process of choosing their own Government. The youth of the country has also shown their maturity in the recently held general elections, mid-term election and by-elections in this regard. This maturity qualifies the youth to become the representatives of the people as well. It is, therefore, equally important to reduce the qualifying age to become legislators. In fact it could have been reduced simultaneously while passing the Constitution (Sixty-first Amendment) Bill, 1988 but still it is better late than never.

Hence it is proposed to reduce the minimum age to become a member of Lok Sabha and Legislative Assembly from the existing 25 years to 21 years and to become a Member of Rajya Sobha and Legislative Council from the existing 30 years to 25 years. This will enable our youth to directly participate in the governance of the country.

Hence this Bill.

SURESH PACHOURI

\mathbf{X}

Bill No. LXXX of 1991

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

- 1. (7) This Act may be called the Constitution (Amendment) Act,
 - (2) It shall come into force at once.
- 2. After article 30 of the Constitution, the following article shall be inserted, namely:—
 - "30A. The State shall make sports education compulsory in all schools for all the students studying therein until they complete the age of eighteen years."

Short title and commencement.

1991.

Insertion of new article 30A

Compulsory sports education in schools.

STATEMENT OF OBJECTS AND REASONS

Our country has 15 per cent, of the world population and it is the second country having the largest population after China. But despite having such a vast population our country has miserably failed in the sports arena so far. We have never won any medal worth mentioning in the World of Sports particularly in the Olympics except in Hockey. But in this particular sport too our standards have gone down to such a situation that now we have to play qualifying matches to ensure entry in the Olympics. Thus our challenge in the Olympics has virtually vanished. If we examine the causes of our failure in the sports we find that one of the cause is that our schools are devoid of compulsory sports education. Of course, there are other causes too at the national and state levels but the need of the hour is to provide compulsory sports education in schools so that good sportsmen could be produced in the country.

The Directive principles of State policy provide in article 45 of the Constitution for free and compulsory education for children but article too does not touch the sports element. It is a known fact that games help to break international barriers and knit the nations into a healthy union. They teach us the spirit of team work with patience and perseverance. Sports education will also inculcate among our youngsters the espirit de corps which is so essential for the unity and integrity of the country. It has, therefore, been proposed in this Bill that in Schools sports education should be included as one of the compulsory subjects to be taught to all able bodied children upto the age of 18 years.

Hence this Bill.

SURESH PACHOURI.

IX

BILL NO. LXXVIII OF 1991

A Bill further to amend the Atomic Energy Act, 1962.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:-

Short title and commencement.

- 1. (1) This Act may be called the Atomic Energy (Amendment) Act, 1991.
 - (2) It shall come into force at once.

Insertion of new section 22A.

2. After section 22 of the Atomic Energy Act, 1962 the following section shall be inserted, namely:-

33 of 1962.

Financial relief. medical care and rchabilitation of persons affected by radiation caused by generation of Atomic Energy.

"22A. (1) Notwithstanding anything contained in the foregoing provisions of this Act, if any person loses his life due to radiation from any Atomic Power Plant, the Central Government shall pay a minimum sum of rupees two lakhs as financial assistance to the next of kin of such radiation victim-

- (2) If any person incurs disability, temporary or permanent, due to the effects of radiation from any Atomic Power Plant the Central Government shall pay to him,—
 - (i) a sum of rupees one lakh as financial assistance in one lump sum; and
 - (ii) a sum of rupees two thousand per mensem till such disability is completely cured.
- (3) If any woman gives birth to a deformed baby affected by radiation from any Atomic Power Plant, the Central Government shall pay a minimum sum of rupees one lakh as financial assistance to such woman for bringing up such a deformed baby. Such baby shall also be provided with medical care and educational facilities at a suitable Centre at Government's cost
- (4) In addition to the financial assistance referred to in sub-section (2), all the persons affected by radiation from any Atomic Power Plant shall also receive adequate medical care from the Central Government."

STATEMENT OF OBJECTS AND REASONS

It was in the year 1971 that a Rs. 800 crore atomic power plant namely the Rajasthan Atomic Power Station (RAPS) was set up at Rawatbhata in the State of Rajasthan to generate electricity. But what once was a dream project has now turned up to be the main cause of mysterious illness, deformities and deaths for the people residing in the villages dotting the Kota and Chittorgarh districts of Rajasthan. Accusations of radiation leaks from the giant RAPS have been followed by reports of deformed babies, tumers, paralysis, polio infection and cancer deaths. Though experts have given a clean chit to the plant but anti-nucleur activities and the villagers living around the Atomic power station are convinced that continued exposure to deadly radiation is taking their lives and this is the de facto position in and around RAPS.

It is high time that the Central Government should give financial assistance, medical care etc. to the victims of radiation from RAPS. It is proposed that Government should give financial assistance to the tune of rupees two lakhs to the kin of a person killed by radiation, rupees one lakh plus two thousand rupees per month to the person disabled by such radiation and rupees one lakh to a woman giving birth to a deformed baby. Such a provision may, it is hoped help in rehabilitation of radiation victims, to some extent.

Hence this Bill.

SANTOSH BAGRODIA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for financial relief, medical care and rehabilitation of persons affected by radiation caused by generation of Atomic energy. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees Ten crores per annum is likely to involve as recurring expenditure from the Consolidated Fund of India.

A non-recurring expenditure to the tune $_{0}f$ rupees five lakhs is also likely to be involved.

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BILL No. LXXVII of 1991

A Bill to provide for the bunning of ragging of new students by old students in educational institutions particularly in Universities and Colleges including Medical Colleges. Engineering Colleges or Institutes and for matters connected therewith.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title, extent and commencement.

- 1. (1) This Act may be called the Prohibition of Ragging in Educational Institutions Act, 1991.
 - (2) It extends to the whole of India.
- (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

- 2. In this Act, unless the context otherwise requires,—
- (a) "educational institution" includes any school, college, institute, university, whether established by Government or by any citizen or body of citizens, and whether in receipt of aid from Government or not, recognised by the Central or State Government for the award of a certificate, diploma or degree in any general, technical, medical, professional or other course of study, education or training;

- (b) "ragging" includes any action or gesture intended to irritate playfully or maliciously any newcomer or fresher in an educational institution by old or new students of that institution with jests, questions or petty annoyances or to meddle hostilely or injuriously with such newcomer.
- 3. Ragging of any type in every educational institution—is hereby prohibited.

Prohibition of rugging in educational institutions.

4. Whoever commits the offence of ragging under this Act shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to rupees ten thousand or with both.

Punishment for vagging,

5. Any person convicted under this Act shall be debarred from continuing or being admitted in any educational institution for a period of three years from such conviction.

Bar to admission or continuing studies in certain cases.

6. Any person in-charge of an educational institution, whether called as Principal, Registrar, Manager or by any other name, controlling or admitting any person convicted under section 4 of this Act shall be punished with imprisonment which may extend to two years or with fine or with both.

Punishment for head of educational lastitution.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force, or rules, regulations or Ordinances made or promulgated thereunder.

Savings of other laws,

STATEMENT OF OBJECTS AND REASONS

Of late ragging has assumed shocking proportions in most of the colleges, institutes, universities etc. where in the name of ragging barbarous acts are being committed by the students. The stripping of a first year girl student by the senior male students of Ramjas College in the heart of the national Capital is still fresh in our memories. Similarly an incident of ragging led to the hospitalisation of a fresher Sandeep Singha Roy residing at the R. K. Hall of the Indian Institute of Technology (III) in Kharagpur who was made to walk on the railing of a second floor balcony at his residence hall by two senior students. The boy fell and was admitted to hospital in a semi conscious state. Similarly on the 16th September 1991 through a Special Mention the members of Rajya Sabha highlighted the plight of some Scheduled Caste students who had been harassed and stripped in a ragging session in the University college of Medical Sciences in New Delhi. These are the few instances which show that ragging has assumed alarming dimensions in the colleges. Now the time has come to curb this menace. Since there is no law to curb the menace of ragging in colleges and universities an attempt has been made in this Bill to curb the menace of ragging.

Hence this Bill.

SANTOSH BAGRODIA

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BILL NO. LXXIX OF 1991

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:-

1. This Act may be called the Constitution (Amendment) Act, 1991.

Short title.

2. To article 292 of the Constitution, the following proviso shall be added, namely:-

Amendment of article 292,

"Provided that the executive power of the Union for such borrowing from any International Fund or Financial Institution shall not exceed five per cent. of the gross domestic product (GDP) in the year in which such borrowing takes place.".

STATEMENT OF OBJECTS AND REASONS

Article 292 of the Constitution gives power to the Union Government to borrow upon the security of the Consolidated Fund of India. Under this provision the Union Government has gone in for massive loans from the IMF, World Bank etc. on conditions which are harmful to the self relient national economy. This borrowing on massive scale from international fora has increased craze for soft options to deal with the problems on the economic front. As a result, the Union Government has become habitual in borrowing everytime to augment the balance of payment position of the country. Article 292 also provides that Parliament may fix the limits of borrowing by the Union but unfortunately no such limit has been prescribed so far.

Thus the need of fixing the borrowing limit in the Constitution itself is being urgently felt to restrain the Union Government from going in for wreckless borrowing from International Financial Institutions at the cost of national prestige.

Hence this Bill,

GURUDAS DAS GUPTA

XIV

BILL NO. LXXXIV OF 1991

A Bill to provide for the declaration of assets and liabilities by Ministers, Members of Parliament and Members of State Legislatures and Office Bearers of the recognised political parties and their family members and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows: —

1. (1) This Act may be called the Declaration of Assets and Liabilities by Ministers and Members of Legislatures and Office Bearers of Political Parties Act, 1991.

Short title and commencement.

- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
 - 2. In this Act, unless the context otherwise requires,—

Definitions.

- (a) "assets", in relation to any person, means-
- (i) his right, title or interest in both movable and immovable properties, whether as owner, mortgager, lessor, lessee or otherwise;

- (ii) his right, title or the interest in any business, trade or industrial or commercial venture, whether conducted with profit motive or not;
- (iii) any sum of money, in excess of five thousand rupees kept in each or in any other form;
 - (iv) any amount as bank balances including fixed deposits;
- (v) any amount in shares, stocks, debentures and other securities;
 - (vi) motor vehicles, as defined in Motor Vehicles Act, 1939;
 - (vii) insurance policies;
- (viii) jewellery excluding rings, ear rings, bangles, buttons, cuff-links, watches, straps and such other articles which the person normally wears;
- (b) "family-member" in relation to a Minister or a member means his or her—
 - (i) spouse (not being a judically separated spouse);
 - (ii) minor children; and
 - (iii) any other person related to him or her, whether by blood or marriage and whether wholly dependent on him or her or not:
- (c) "member" means a member of either House of Parliament or the Legislature of a State;
- (d) "Minister" means a member of the Council of Minisers of the Union or the State;
- (e) "office bearer" means the President, Vice President, General Secretary, Secretary, Assistant Secretary, Treasurer, Chief Whip and other Whips of a recognised political party;
- (f) "political party" has the same meaning as is assigned to it in the Representation of the People Act, 1951;

43 of 1951,

- (g) "prescribed" means prescribed by rules made under this Act.
- 3. Notwithstanding anything contained in any other law for the time being in force, every Minister shall before taking the oath of office and secrecy under the Constitution furnish to the President or the Governor, as the case may be, a statement in the prescribed form declaring the particulars of all his assets and liabilities and that of his family members on the date of assumption of office, and thereafter on or before the end of every financial year throughout his term of office as minister.

Ministers to furnish state-ments of assets and liabilities while entering upon office and there-after.

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4. Every statement furnished by a Minister under section shall be forwarded to the Comptroller and Auditor General of India by the President or the Governor of the concerned State, as the case may be, for audit thereof.

Statement by Ministers to be sent to Comptroller and Auditor General of India for Scrutiny.

Amendment of the Representation of the People Act, 1951

43 of 19:1

5. In section 33 of the Representation of the People Act, 1951 (hereinafter referred to as the Principal Act) in sub-section (1) after the second proviso the following proviso shall be added at the end, namely:—

Amendment of section 33

"Provided also that every candidate shall also submit a statement in the prescribed form declaring the particulars of all his assets and liabilities and that of his family members on the date of his filing the nomination paper to the returning officer and the Returning Officer shall, after the election process is over, forward in respect of a candidate who has been declared elected the statement submitted by him to the Election Commission.

6. In section 36 of the principal Act, in sub-section (2) the following proviso shall be inserted namely:—

Amendment of section 36.

"Provided that the nomination paper shall be rejected summarily if it is not accompanied by a statement of assets and liabilities prescribed by section 33 of this Act.

7. After 67A of the principal Act the following section shall be inserted, namely:—

Insertion of new section 67AA.

67AA. After the result is so declared the Election Commission shall forward the statement of assets and liabilities of a winning candidate received by it from the Returning Officer under section 33 to the Comptroller and Auditor General of India for audit under section 10 of this Act.

- 8. (1) Notwithstanding anything contained in any other law for the time being in force every member shall before taking his seat in the House furnish a statement in the prescribed form declaring his and of his family members assets and liabilities to the Election Commission on or before the end of every financial year throughout the term of his office as member.
- (2) The Election Commission shall, as soon as may be forward the statements furnished under sub-setion (1) to the Comptroller and Auditor General of India, for audit under section 10 of this Act.

Members to furnish annual statements of assets and liabilities. ______

Office bearers of political parties to furnish yearly statement of assets and habilities

- 9. (1) Notwithstanding anything contained in any other law for the time being in force every office bearer of a political party recognised in accordance with the provisions of para 13 of the Eelection Symbols (Reservation and Allotment) Order, 1968 shall furnish a statement in the prescribed form declaring his and of his family members' assets and liabilities to the Election Commission throughout the term of his office, on or before the end of every financial year.
- (2) The Election Commission, shall, as soon as may be, forward the statements furnished under sub-section (1) to the Comptroller and Auditor General of India for audit.

Comptroller and Auditor General to serutinise the statements and submit report to the President and Governor.

10. The Comptroller and Auditor General of India shall audit the statements submitted to him under this Act and submit a report thereon from time to time to the President and the Governor, as the case may be, who shall cause it to be laid before each House of Parliament and the Legislature of the concerned State.

Power to make rules.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In a healthy democracy clear and honest public life is a must. The representatives of the people should always be above suspicion. At the level of Ministers including the Prime Minister and Members of Parliament, Members of State Legislatures and office bearers of political parties corruption must be first stamped out. It must appear that the Ministers and the Members are functioning honestly and that they have not misused their official positions. It is, therefore, proposed to make it mandatory for every Minister and Member of Parliament, Members of State Legislatures and office bearers of political parties to furnish a statement of his assets and liabilities and that of his family members from time to time to the President and the Election Commission who shall send the same to the Comptroller and Auditor General of India for scrutiny who will submit a report thereon to the President and the Governor who shall cause them to be published in the Official Gazette and laid on the Table of both the Houses of Parliament and before State Legislature.

Hence this Bill.

GURUDAS DAS GUPTA

FINANCIAL MEMORANDUM

The Bill seeks to make it mandatory for every Minister and member of Parliament to file a statement of his assets and liabilities. The statements will have to be published in the Official Gazette. It might also be necessary to make provision for some additional staff for the purpose.

It is, estimated that the recurring expenditure will not exceed Rs. One lakh per annum and the non-recurring expenditure will not exceed rupees fifty thousand.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill provides for the making of rules for giving effect to the provisions of the Act. The matters on which rules will be made are matters of details.

The delegation of legislative power is, therefore, of a normal character.

XV

BILL NO. LXXXIII OF 1991

A Bill to provide for promoting family planning measures by the State so that the regulation growth of the country is commensurate with its economic and social development as well as with the ecological balance and for matters connected therewith.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title. +xient and comneacement.

- 1. (1) This Act may be called the Family Welfare Act, 1991.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.
- 2. It is hereby declared that the provisions of this Act are for the purpose of giving effect to the policy of the State towards securing the principles laid down in article 38 of the Constitution of India.

Declaration
as to
policy
of State.

Central Government to formulate population policy 3. The Central Government shall formulate a new comprehensive population policy and take all steps including economic, educational, legal, medical and social to promote small family norms so as to check the growth of population in the country, achieve rapid economic progress and raise the standard of living of the people.

Ban on child marriage.

- 4. (1) Notwithstanding anything contained in any other law, for the time being in force, no marriage shall be solemnised between a male who is less than twenty two years of age and a female who is less than twenty years of age.
- (2) Any contravention of the provisions of sub-section (1) shall be cognizable offence and shall be punishable with simple imprisonment for a term which may extend to three years or with fine which may extend to ten thousand rupees or with both.

Disqualification for being elected to Parliament and State Legislature.

- 5. (1) Notwithstanding anything contained in the Representation of the People Act. 1951 or in any other law for the time being in force, a citizen shall be disqualified for being chosen as a member of either House of Parliament or of the Legislature of a State if that citizen has more than two living children.
- (2) The provision of sub-section (1) shall not apply in case of a citizen having more than two living children on the date of commencement of this Act.

Provision of small family for Government em-ployees.

- 6. (1) Any Central Government employee or an employee of a Public Sector Undertaking who has more than two living children shall not be eligible for any further increment in his salary or promotion till he is in service.
- (2) The provisions of sub-section (1) shall not apply to a Central Government employee or an employee of a Public Sector Undertaking who has more than the prescribed number of living children on the date of coming into force of this Act.

Small family norm for employees of Private sector.

7. The provisions of section 6 shall apply to the employees of Private Sector in such manner as may be prescribed.

Denial
of maternity facilities
in certain
cases.

8. Any woman having two living children shall not be provided with maternity facilities in any Government hospital, health centre, dispensary or medical centre for the birth of her third child:

Provided that if such woman agrees to undergo sterilisation operation after the birth of her third child she shall be provided with maternity facilities in such medical centres.

Every employee of the Central Government or of a Public Sector Undertaking, who undergoes sterilisation operation after the birth of his first or second child shall be given,—

Incentives to Government and Public Sector emplo-

yees.

(a) ten months additional salary as incentive;

- (b) plot or house site or built house at subsidised rates:
- (c) loan for house building on nominal rate of interest; and
- (d) such other benefits and incentives as may be prescribed.
- 10. Any person having one or two living children who undergoes sterilisation operation shall be eligible,—

Incentives for general public.

- (i) to receive an advance from a Bank or a Co-operative Credit Society at a five per cent lower rate of interest than the normal rate of interest charged by it;
 - (ii) to get a house site or built house at subsidised rates;
- (iii) to receive educational facilities and scholarship or other financial assistance for his children for pursuing their studies.
- (iv) to secure a preference to his children in the matter of recruitment in service; and
 - (v) to receive such other incentives as may be prescribed.
- 11. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being inforce.

Act to have over-riding effect.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rales.

STATEMENT OF OBJECTS AND REASONS

Today our population is about 85 crores. Having only 2.4 per cent of global land area we have more than 15 per cent of the world population which has made it one of the most densely populated nation of the world. It is projected that by the turn of the century we will cross the 100 crores mark which will certainly compel at least half the population to live in slums and under squalid conditions. To accommodate the future needs and the numbers within the nation's natural capabilities and resources has given rise to unparalled transformation of human values. social institutions and economic structures. Due to overcrowding law and order situation is deteriorating, unemployment is rising menacingly and the gap between the haves and have nots is creating explosive situation. Agricultural land holdings are fast becoming smaller and smaller and uneconomical. The housing needs are far beyond the available finances and educational facilities are hopelessly inadequate to meet with the existing demands let alone the future ones. Since there is no balance between population growth and the available opportunities a developing nation like ours can hardly expect to achieve a quality of life by adding further to her numbers.

It is, therefore, necessary to check the population growth effectively and this problem should be tackled at all levels. An alarming situation is the apathy of the populace to foresee this population explosion time bomb which is so glaringly reflected in the last general elections of 1991 and November 1991 by-elections wherein not a single candidate contesting these elections raised this most valid issue while campaigning for fear of losing votes. As such an attempt has been made in this Bill to offer a comprehensive package deal of facing the challenge and overcoming the problem. There is no effective way of doing so.

Hence this Bill.

DR. NARREDDY THULASI REDDY

FINANCIAL MEMORANDUM

Clause 9 of the Bill provides for incentives to Government and Public sector employees opting family planning. Clause 10 provides for incentives for general Public. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crores is likely to be involved as recurring expenditure every year.

A sum of rupees Ten crores is also likely to be involved as non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The delegation will relate to matters of details only. Here the delegation of legislative power is of normal character.

SUDARSHAN AGARWAL, Secretary-General.